

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	No.: 16-cr-10305-NMG
	)	
MARTIN GOTTESFELD	)	

NOTICE OF APPEAL  
AND INTENT TO SEEK INTERLOCUTORY RELIEF

Counsel for defendant Martin Gottesfeld (“Mr. Gottesfeld”) hereby files this notice of appeal and intent to seek interlocutory relief from orders of the Court (Gorton, J.) denying both his July 12, 2018 Emergency Motion for Leave to Withdraw (Dkt. No. 241) and his July 17, 2018 Emergency Motion for Leave to Withdraw (Dkt. No. 254). Both Emergency Motions were accompanied by exhibits filed *ex parte* and under seal.

Dkt. No. 241 was previously heard by the Court (Stearns, J.) and denied without prejudice (Dkt. No. 248) subject to a later ruling by Judge Gorton, should he choose to hear the motion. Judge Gorton has since heard and denied that Motion.

Interlocutory relief is appropriate after denial of motions to withdraw. In

Rivera-Domenech v. Calvesbert Law Offices PSC, the First Circuit held:

We make a point clear at the start. At the time of the entry of the denial of the motion to withdraw, there was interlocutory jurisdiction to take an appeal to this court. [The attorney] should have pursued the interlocutory appeal at the time of the denial of his motion to withdraw his appearance. In similar circumstances, circuit courts, including this one, have found the denial of a motion to withdraw to be an abuse of discretion... Here, in addition, it is plain there was an irretrievable breakdown between client and counsel, yet the court refused to allow [the Attorney] to withdraw.

402 F.3d 246, 249 (1st. Cir. 2005) (citations omitted).

Respectfully submitted,  
Counsel for defendant:

/s/ David J. Grimaldi

---

David J. Grimaldi  
David J. Grimaldi, P.C.  
BBO No. 669343  
675 Massachusetts Avenue, 9<sup>th</sup> Floor  
Cambridge, MA 02139  
617-661-1529 (tel)  
857-362-7889 (fax)  
[david@attorneygrimaldi.com](mailto:david@attorneygrimaldi.com)

DATE: July 17, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants via CM/ECF this 17th day of July, 2018. Further, on this day a copy of this motion is to be provided in hand to defendant Martin Gottesfeld.

/s/ David J. Grimaldi

---

David J. Grimaldi